



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,536	08/14/2001	Erik Gentalen	018547-021210US	2431

33494 7590 12/13/2004

TOWNSEND AND TOWNSEND AND CREW LLP  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

SIEW, JEFFREY

ART UNIT PAPER NUMBER

1637

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

12082004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

**Response to Rule 312 Communication**

Application No.

09/930,536

Applicant(s)

GENTALEN ET AL.

Examiner

Young J. Kim

Art Unit

1637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 28 May 2004 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☒ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.


d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

*The amendment received under 37 CFR 1.312 on May 28, 2004 is the same amendment that which was submitted to Examiner Siew on September 15, 2003, the After Final Amendment of which was not entered at the time. However, during an Interview held subsequent to the non-entry of said After Final Amendment, Examiner acknowledges the allowance of the claims which were submitted in said After Final Amendment, and the Examiner's Reasons for Allowance acknowledges the substance of the amendment filed in the instant Amendment. Therefore, the amendment is deemed to not affect the scope of the invention which was allowed, and thereby entered by the present examiner.*

  
YOUNG J. KIM  
PATENT EXAMINER

12-9-04

  
JEFFREY FREDMAN  
PRIMARY EXAMINER

12/9/04